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22 Attorneys for Plaintiff United States of America

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA

25 UNITED STATES OF AMERICA,)
26 vs. Plaintiff,) Civ. No.: 3:19-cv-6601
27) IN ADMIRALTY
28)
29 SAMUEL PETER ROWLES, SAMUEL) VERIFIED COMPLAINT OF THE
30 PETER ROWLES dba 2017 SPIRIT OF) UNITED STATES OF AMERICA
31 SACRAMENTO LLC, and AARON)
32 SHAWN HORTON,)
33)
34 Defendants.)
35)

1 Plaintiff, the United States of America, alleges upon information and belief as
2 follows:

3 **NATURE OF THE ACTION**

4 1. This is a case of admiralty and maritime jurisdiction against Defendants
5 SAMUEL PETER ROWLES (“Rowles”), SAMUEL PETER ROWLES dba 2017 SPIRIT
6 OF SACRAMENTO LLC (“SPIRIT OF SACRAMENTO LLC”), and AARON SHAWN
7 HORTON (“Horton”) (collectively, “Defendants”), *in personam*, as hereinafter more fully
8 appears, and within Rule 9(h) of the Federal Rules of Civil Procedure.

9 2. The United States expressly reserves the right to amend this Complaint to,
10 *inter alia*, add additional parties and assert additional claims against such additional parties
11 and the present Defendants herein.

12 **JURISDICTION AND VENUE**

13 3. The United States is authorized to bring this suit and the Court has
14 jurisdiction pursuant to, *inter alia*, 28 U.S.C. § 1345, 33 U.S.C. §§ 1321 and 2717, and 42
15 U.S.C. § 9613.

16 4. Venue is properly in this Court pursuant to, *inter alia*, 28 U.S.C. §§ 1391, 33
17 U.S.C. § 2717, and 42 U.S.C. § 9613.

18 5. The United States brings this action on behalf of the Oil Spill Liability Trust
19 Fund (hereafter "Fund"), pursuant to the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. §
20 2701 *et seq.*, to recover any and all removal costs and damages incurred directly by the
21 Fund, any removal costs and damages incurred by the Fund through compensation paid to
22

any claimant, and all costs incurred by the Fund by reason of any such claims, including interest, prejudgment interest, adjudicative costs, and attorney's fees. Pursuant to OPA, 33 U.S.C. § 2712(f), the United States has acquired by subrogation, or may in the future acquire by subrogation, the rights of any claimant or State paid compensation from the Fund, and the United States specifically reserves the right to amend this Verified Complaint to assert any or all such subrogated rights and claims.

6. This civil action is also brought by the United States on behalf of the United States Environmental Protection Agency ("EPA"), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. § 9607. The United States seeks to recover response costs that EPA incurred in conducting removal actions because of releases and threatened releases of hazardous substances into the environment. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g) and 28 U.S.C. § 2201, the United States also seeks a declaratory judgment on liability for response costs that will be binding on any subsequent action to recover further response costs.

GENERAL FACTS AND ALLEGATIONS

Vessel Ownership, Operation, and Sinking

7. The M/V SPIRIT OF SACRAMENTO (hereafter the "Vessel") was a steel-hulled 84.6-foot, 99 gross-ton paddle wheeler built in 1967.

1 8. Under an order issued by a judge of this District, in litigation related to the
2 prior owner of the Vessel, the U.S. Marshal sold the Vessel at admiralty sale on July 15,
3 2016.

4 9. On July 15, 2016, Defendant Rowles purchased the Vessel at the admiralty
5 sale for \$1,000.

6 10. At the time of the sale of the Vessel to Rowles, the Vessel was located on
7 navigable waters of the United States in or near the Oyster Point Marina, in South San
8 Francisco, California, within this District and within the jurisdiction of this Court.

9 11. Defendants Rowles and Horton together operated and navigated the Vessel
10 in and around the False River, in Contra Costa County California, near the Franks Tract
11 State Recreation Area, within this District and within the jurisdiction of this Court.

12 12. On the evening of September 3, 2016 or early morning on September 4, 2016,
13 the Vessel began taking on water from the stern, causing the engine room to flood. By
14 10:30 a.m. on September 4, 2016, the Vessel had capsized, and was upside down in the
15 water.

16 13. At all times material herein, Defendants Rowles and Horton were individual,
17 non-corporate entities, and based upon information and belief lived in Mountain View,
18 California, Santa Clara County, within this District and within the jurisdiction of this Court,
19 and are subject to personal jurisdiction in this District and this Court, including but not
20 limited to, through the ownership and/or operation of the Vessel at the time of, and with
21 respect to, the matters sued upon herein.

1 14. At all times material herein, Defendant SPIRIT OF SACRAMENTO LLC,
2 based upon information and belief, is a purported entity that conducted business in the State
3 of California, had a place of business and/or was doing business within this District and
4 within the jurisdiction of this Court, and is subject to personal jurisdiction in this District
5 and this Court, including but not limited to, through the ownership and/or operation and/or
6 demise chartering of the Vessel at the time of, and with respect to, the matters sued upon
7 herein.
8

9 15. At all times material herein, Defendant Rowles owned the Vessel.

10 16. At all times material herein, Defendant Rowles, based upon information and
11 belief, operated the Vessel.
12

13 17. At all times material herein, Defendant Rowles, based upon information and
14 belief, demise chartered the Vessel.
15

16 18. At all times material herein, Defendant SPIRIT OF SACRAMENTO LLC,
17 based upon information and belief, owned the Vessel.
18

19 19. At all times material herein, Defendant SPIRIT OF SACRAMENTO LLC,
20 based upon information and belief, operated the Vessel.
21

22 19. At all times material herein, Defendant SPIRIT OF SACRAMENTO LLC,
23 based upon information and belief, demise chartered the Vessel.
24

25 20. At all times material herein, Defendant Horton, based upon information and
26 belief, operated the Vessel.
27

1 21. At all times material herein, Defendant Horton, based upon information and
2 belief, demise chartered the Vessel.

3 22. At all times material herein, Defendant Rowles was a “Responsible Party”
4 within the meaning of OPA, 33 U.S.C. §§ 2701(32) and 2702(a), with respect to oil and
5 the matters alleged in this Complaint. At all times material herein, Rowles was within the
6 scope of entities specified in CERCLA, 42 U.S.C. § 9607(a), with respect to hazardous
7 substances and the matters alleged in this Complaint.
8

9 23. At all times material herein, Defendant Horton was a “Responsible Party”
10 within the meaning of OPA, 33 U.S.C. §§ 2701(32) and 2702(a), with respect to oil and
11 the matters alleged in this Complaint. At all times material herein, Horton was within the
12 scope of entities specified in CERCLA, 42 U.S.C. § 9607(a), with respect to hazardous
13 substances and the matters alleged in this Complaint.
14

15 24. At all times material herein, Defendant SPIRIT OF SACRAMENTO LLC
16 was a “Responsible Party” within the meaning of OPA, 33 U.S.C. §§ 2701(32) and 2702(a),
17 with respect to oil and the matters alleged in this Complaint. At all times material herein,
18 SPIRIT OF SACRAMENTO LLC was within the scope of entities specified in CERCLA,
19 42 U.S.C. § 9607(a), with respect to hazardous substances and the matters alleged in this
20 Complaint.
21

22 25. At all times material herein, Defendants Rowles, Horton, and SPIRIT OF
23 SACRAMENTO LLC, as well as other persons or entities whose identities are not yet
24 known, were at all material times, and pursuant to information or belief, acting as agents
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1 and/or alter egos of each other with respect to the matters alleged in this Complaint and are
2 therefore responsible and liable, jointly and severally, for all of each of the others'
3 obligations, acts, omissions, and strict liability with respect to the matters alleged in this
4 Complaint and action.
5

6 26. At all the foregoing times referred to in the preceding paragraphs, the Vessel
7 contained oil, as such term is defined in OPA, 33 U.S.C. § 2701 *et seq.*
8

9 27. At all the foregoing times referred to in the preceding paragraphs, the Vessel
10 contained hazardous substances, as such term is defined in the Comprehensive
11 Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601
12 *et seq.*, and implementing regulations.
13

14 28. The September 3-4, 2016 sinking of the Vessel was the result of, *inter alia*,
15 gross negligence and the breach of applicable federal safety and operating regulations, and
16 other actions to be determined pursuant to discovery that will be undertaken in this action.
17

18 29. Following the sinking of the Vessel, Defendants abandoned the vessel and,
19 *inter alia*, made no efforts to raise the Vessel, or prevent the discharge and/or substantial
20 threat of discharge of oil and hazardous substances into navigable waters of the United
21 States and its adjoining shorelines, said conduct, among other conduct, constituting gross
22 negligence.
23

24 30. Following the sinking of the Vessel, Defendants did not participate in clean-
25 up efforts, and did not respond to the Notice of Federal Interest or an Administrative Order
26 that the Coast Guard issued to them, and did not otherwise cooperate with the response.
27
28

Coast Guard and EPA Removal Actions

31. At the time of the Vessel sinking, September 4, 2016, the U.S. Coast Guard ensured that Mr. Rowles and Mr. Horton were safely to shore. The Coast Guard detected a visible sheen of oil on the surface of the water.

32. In response to the oil discharge, the Coast Guard began removal actions under the direction of a “Unified Command” comprising the Federal On-Scene Coordinator (“FOSC”), together with a State On-Scene Coordinator from the California State Department of Fish and Wildlife, and the Contra Costa County Sheriff’s Department, with input from the Environmental Protection Agency and the U.S. Army Corps of Engineers. EPA was authorized to serve as FOSC for the assessment and removal of hazardous substances under CERCLA, and the USCG, by and through the USCG FOSC, undertook duties regarding oil spill response under OPA, including efforts requiring use of the Oil Spill Liability Trust Fund.

33. The United States through its respective FOSCs, determined that the Vessel had discharged oil and posed a substantial threat of discharge of oil and hazardous substances into navigable waters of the United States and its adjoining shorelines.

34. In order to mitigate the foregoing substantial threat of discharge of oil and hazardous substances, and in order to safely do so in a manner that would pose the least potential risk to life, property, and the environment, the decision was made to raise and tow the Vessel to an Army Corps of Engineers' pier in Sausalito, California to facilitate the removal of as much oil and hazardous substances as possible. By September 30, 2016, the

1 Unified Command had, through a contractor, righted the vessel and towed it to the Army
2 Corps of Engineers facility in Sausalito. Between October 1 and 4, 2016, the Unified
3 Command removed the fuel from the vessel and recovered 130 gallons of oily wastewater.
4

5 35. On October 17, 2016, the Vessel sank again, this time at the Corps of
6 Engineers pier. By December 13, 2016, the Unified Command had secured the vessel
7 higher on the ramp. At this point, EPA assumed responsibility for the removal of hazardous
8 substances.

9 36. After EPA and the Coast Guard had abated the threat of releases of oil or
10 hazardous substances, the Contra Costa County Sheriff assumed responsibility and
11 destroyed the vessel. The removal of oil from the Vessel was then deemed complete.
12

13 37. The Coast Guard issued its final pollution report for this incident on January
14 27, 2017, and stated that the action had been closed on January 25, 2017.

15 38. The foregoing substantial threats of discharge of oil and hazardous
16 substances, including other acts and omissions to be established according to proof at trial,
17 are hereafter referred to as the “Spirit of Sacramento Removal and Response Action.”
18

19 39. The Spirit of Sacramento Removal and Response Action was proximately
20 caused, *inter alia*, by the acts, omissions, strict liability, gross negligence, and violations
21 of federal operating and/or safety regulations by the Vessel, its owner(s), operator(s),
22 demise charterer(s), crew, agents, servants, employees, and others for whom Defendants
23 were responsible, all within the privity and knowledge of Defendants.
24
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26

1 40. As a direct and proximate result of the Spirit of Sacramento Removal and
2 Response Action and the actions by and on behalf of plaintiff United States to mitigate and
3 prevent the substantial threat of discharge of oil into navigable waters of the United States
4 and its adjoining shorelines, approximately \$1,514,800.27 was expended by and from the
5 Oil Spill Liability Trust Fund.

6
7 41. In addition to the costs incurred removing oil, EPA also incurred costs
8 responding to asbestos and other hazardous substances. EPA spent approximately \$92,696
9 to dispose of hazardous substances from the Vessel.

10
11 42. The United States has made demand upon Defendants for reimbursement for
12 all the outstanding response costs and damages owed by Defendants as a result of the Spirit
13 of Sacramento Removal and Response Action, and said monies remain unpaid.

14
15 43. As a result of the Spirit of Sacramento Removal and Response Action as it
16 pertains to oil, and as a result of the failure of Defendants to pay the full amount due and
17 owing pertaining to removal of oil from the Spirit of Sacramento, \$1,514,800.27 or such
18 amounts as may be proved at trial, remain due and owing to the United States, plus interest,
19 administrative and adjudicative costs, disbursements, and statutory attorneys' fees
20 recoverable under OPA, 33 U.S.C. § 2715.

21
22 44. As a result of the Spirit of Sacramento Removal and Response Action as it
23 pertains to hazardous substances aboard the Vessel, and as a result of the failure of
24 Defendants to pay the full amount due and owing pertaining to removal of hazardous
25
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1 substances from the Vessel, approximately \$92,696, or such amounts as may be proved at
2 trial, remain due and owing to the United States, plus interest.

3 45. This Complaint herein does not presently assert claims for natural resource
4 damages. The United States expressly reserves the right to amend this Complaint to add
5 such claims for natural resource damages.

6 7 46. The United States expressly reserves the right to amend this Complaint to,
8 *inter alia*, add additional parties and assert additional claims against such additional parties
9 and the present Defendants herein.

10 11 **AS AND FOR A FIRST CAUSE OF ACTION**
12 **(OIL POLLUTION ACT OF 1990)**

13 47. Plaintiff, United States of America, refers to and incorporates by reference
14 as though fully set forth herein each and every foregoing paragraph of this Complaint.

15 48. Pursuant to the Oil Pollution Act of 1990, 33 U.S.C. § 2701 *et seq.*, each
16 responsible party for a vessel or facility from which oil is discharged, or which poses the
17 substantial threat of discharge, into or upon the navigable waters or adjoining shorelines or
18 the exclusive economic zone of the United States, is strictly liable for all costs, damages,
19 and/or disbursements specified in the Act.

20 21 49. Under the circumstances herein, Defendants are liable to the United States of
22 America, without limitation, for all the aforesaid costs, damages, and/or disbursements
23 sustained by the United States as a result of the Spirit of Sacramento Removal and
24 Response Action.

1 **AS AND FOR A SECOND CAUSE OF ACTION**
2 **(OIL POLLUTION ACT OF 1990)**

3 50. Plaintiff, United States of America, refers to and incorporates by reference
4 as though fully set forth herein each and every foregoing paragraph of this Complaint.

5 51. Pursuant to the Oil Pollution Act of 1990, the Fund shall be subrogated to all
6 rights, claims, and causes of action of claimants to whom it has paid compensation.
7

8 52. As a result of the Spirit of Sacramento Removal and Response Action, the
9 Fund may incur costs, damages, and/or disbursements by reason of claims for removal
10 costs and damages brought against it under the Oil Pollution Act of 1990.
11

12 53. Pursuant to the Oil Pollution Act of 1990, Defendants are liable to the United
13 States of America for all such costs, damages, and/or disbursements which may be
14 sustained by the Fund.
15

16 54. The aforesaid unpaid costs, damages, and/or disbursements of the Fund, as
17 provided in the Oil Pollution Act of 1990, are presently in excess of \$1,514,800.27.
18

19 **AS AND FOR A THIRD CAUSE OF ACTION**
20 **(OIL POLLUTION ACT OF 1990)**

21 55. Plaintiff, United States of America, refers to and incorporates by reference
22 as though fully set forth herein each and every foregoing paragraph of this Complaint.
23

24 56. Pursuant to the Oil Pollution Act of 1990, 33 U.S.C. § 2717(f)(2), the United
25 States is entitled to, and hereby seeks, a declaratory judgment that is binding in any
26 subsequent action or actions that Defendants are liable for removal costs and damages in
27 any such subsequent action or actions.
28

1 **AS AND FOR A FOURTH CAUSE OF ACTION**
2 (CERCLA, 42 U.S.C. § 9601, et seq.)

3 57. Plaintiff, United States of America, refers to and incorporates by reference
4 as though fully set forth herein each and every foregoing paragraph of this Complaint.

5 58. Pursuant to CERCLA, 42 U.S.C. § 9601, *et seq.*, including, but not limited
6 to 42 U.S.C. § 9607, owners, operators, and other entities pertaining to vessels and facilities
7 from which hazardous substances are released, or which pose the substantial threat of
8 release, into the environment and/or navigable waters of the United States, as defined at 42
9 U.S.C. § 9601(25) and authorized by Section 104 of CERCLA, 42 U.S.C. § 9604, are
10 strictly liable for all costs specified in the Act.

11 59. Defendants are liable to the United States by virtue of Section 107(a) of
12 CERCLA, 42 U.S.C. § 9607(a), for all response costs, remedial costs, and other costs
13 incurred and to be incurred by the United States in connection with the Spirit of Sacramento
14 Removal and Response Action pertaining to hazardous substances. Pursuant to Section
15 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g) and 28 U.S.C. § 2201, the United States also
16 seeks a declaratory judgment on liability for response costs that will be binding on any
17 subsequent action to recover further response costs.

18 **AS AND FOR A FIFTH CAUSE OF ACTION**
19 (28 U.S.C. § 3001, et seq.)

20 60. Plaintiff, United States of America, refers to and incorporates by reference
21 as though fully set forth herein each and every foregoing paragraph of this Complaint.

61. Despite the liability, including strict liability, of Defendants to the United States, all as alleged in this Complaint, on information and belief, Defendants, in breach of law, including but not limited to, in violation of the provisions of the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, have, *inter alia*, instead of discharging debts owed to the United States, transferred, sold, spun off, and assigned assets so as to prejudice and cause irreparable harm to the United States.

62. All such actions have caused damages, as will cause damages, to the United States in an amount to be established according to proof at trial.

**AS AND FOR A SIXTH CAUSE OF ACTION
(31 U.S.C. § 3713)**

63. Plaintiff, United States of America, refers to and incorporates by reference as though fully set forth herein each and every foregoing paragraph of this Complaint.

64. Despite the liability, including strict liability, of Defendants to the United States, all as alleged in this Complaint, on information and belief, Defendants, in breach of law, have, *inter alia*, instead of discharging debts owed to the United States, transferred, sold, spun off, and assigned assets so as to prejudice and cause irreparable harm to the United States.

65. All such actions have caused damages, as will cause damages, to the United States in an amount to be established according to proof at trial.

66. To the extent that Defendants, and/or servants, employees, representatives, agents, fiduciaries, or other individuals and entities acting on his behalf or with their authorization, have discharged claims or debts to any other person or entity other than the

United States, or in the future discharge claims or debts to any person or entity other than the United States in contravention of, *inter alia*, 31 U.S.C. § 3713, Defendants, and/or their servants, employees, representatives, agents, fiduciaries, or other individuals and entities acting on their behalf or with their authorization, are liable to the United States for the amount of any such payments.

67. With respect to any payments in contravention of 31 U.S.C. § 3713, and pursuant to 31 U.S.C. § 3713(b), any and all officers, servants, employees, representatives, agents, fiduciaries, or other individuals and entities making such payments are personally liable to the United States for the amount of such payments.

68. The United States shall amend this Complaint to add as defendants, in their individual capacity, any and all officers, servants, employees, representatives, agents, fiduciaries, or other individuals and entities who, in contravention of 31 U.S.C. § 3713(a) and (b), have already discharged, or in the future discharge, claims or debts to any person or entity other than the United States.

19 **WHEREFORE**, the United States of America prays as follows:

20 1. That United States of America be granted judgment against each Defendant
21 pursuant to the verified complaint of the United States herein;

23 2. That the United States of America be granted declaratory judgment against
24 each Defendant for pollution removal costs binding on any subsequent action or actions to
25 recover further removal costs, plus interest, costs, disbursements, and attorneys' fees;
26
27
28

3. That the United States have constructive trusts as and against any and all assets of the Defendants, said constructive trusts being available to satisfy the amounts due and owing to the United States pursuant to the matters alleged in this Complaint;

4. The United States expressly reserves the right to amend this Complaint to add parties and/or causes of action, as may be necessary; and

5. For such other relief as the Court deems just and proper in the premises.

Dated: October 10, 2019.

JOSEPH H. HUNT
Assistant Attorney General

/s/ R. Michael Underhill
R. MICHAEL UNDERHILL
Attorney in Charge, West Coast Office
West Coast Office
Torts Branch, Civil Division
U.S. Department of Justice

/s/ Steven O'Rourke
STEVEN O'ROURKE
Senior Attorney
Environmental Enforcement Section
U.S. Department of Justice

Attorneys for Plaintiff
UNITED STATES OF AMERICA

Of Counsel:

Shawn Wolsey
National Pollution Funds Center
United States Coast Guard

Desean Garnett
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 9

1
VERIFICATION

2 R. Michael Underhill says:

3 I am one of the attorneys for plaintiff, United States of America, herein, and make
4 this verification by authority for and on its behalf; I have read the foregoing Complaint,
5 know the contents thereof, and from information officially furnished to me believe the
6 same to be true.

7 I verify under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the
8 foregoing is true and correct.

9
10 Dated: October 10, 2019.

s/ R. Michael Underhill
R. MICHAEL UNDERHILL

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Full Name, Address, and Telephone Number)

R. Michael Underhill, Atty in Charge, U.S. Dept. of Justice
Aviation, Space & Admiralty Litigation, 450 Golden Gate Ave., Box 36028
San Francisco, CA 94102, (415) 436-6648**DEFENDANTS**SAMUEL PETER ROWLES, SAMUEL PETER ROWLES dba 2017
SPIRIT OF SACRAMENTO LLC, and AARON SHAWN HORTON

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 369 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 390 Other Product Liability		<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	Click here for: Nature of Suit Code Descriptions.
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input checked="" type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		IMMIGRATION	FEDERAL TAX SUITS	
		<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
		<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
33 U.S.C. sec. 2701, et seq., 38 U.S.C. sec. 3001, et seq., 31 U.S.C. sec. 3713

VI. CAUSE OF ACTION

Brief description of cause:
Recovery of costs incurred to remediate oil spill and potential discharge of oil into waters of the United States.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ **\$1514800** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
10/10/2019SIGNATURE OF ATTORNEY OF RECORD
s/R. Michael Underhill

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
for the
Northern District of California

UNITED STATES OF AMERICA)
)
)
)
<i>Plaintiff(s)</i>)
v.) Civil Action No. 3:19-cv-6601
SAMUEL PETER ROWLES, SAMUEL PETER ROWLES)
dba 2017 SPIRIT OF SACRAMENTO LLC, and)
AARON SHAWN HORTON)
<i>Defendant(s)</i>)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* SAMUEL PETER ROWLES
740 Hope Street
Mountain View, CA 94041

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: R. Michael Underhill, Attorney in Charge
U.S. Department of Justice
Aviation, Space & Admiralty Litigation
450 Golden Gate Avenue, Box 36028
San Francisco, CA 94102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:19-cv-6601

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)*

on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____,
a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Northern District of California

UNITED STATES OF AMERICA)
)
)
)
<i>Plaintiff(s)</i>)
v.) Civil Action No. 3:19-cv-6601
SAMUEL PETER ROWLES, SAMUEL PETER ROWLES)
dba 2017 SPIRIT OF SACRAMENTO LLC, and)
AARON SHAWN HORTON)
<i>Defendant(s)</i>)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* AARON SHAWN HORTON
350 N. Whisman Road
Mountain View, CA 94043

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: R. Michael Underhill, Attorney in Charge
U.S. Department of Justice
Aviation, Space & Admiralty Litigation
450 Golden Gate Avenue, Box 36028
San Francisco, CA 94102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:19-cv-6601

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on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____,
a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
for the
Northern District of California

UNITED STATES OF AMERICA)
)
)
)
<i>Plaintiff(s)</i>)
v.) Civil Action No. 3:19-cv-6601
SAMUEL PETER ROWLES, SAMUEL PETER ROWLES)
dba 2017 SPIRIT OF SACRAMENTO LLC, and)
AARON SHAWN HORTON)
<i>Defendant(s)</i>)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* SAMUEL PETER ROWLES
dba 2017 SPIRIT OF SACRAMENTO LLC
740 Hope Street
Mountain View, CA 94041

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

R. Michael Underhill, Attorney in Charge
U.S. Department of Justice
Aviation, Space & Admiralty Litigation
450 Golden Gate Avenue, Box 36028
San Francisco, CA 94102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 3:19-cv-6601

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I left the summons at the individual's residence or usual place of abode with *(name)* _____,
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I returned the summons unexecuted because _____ ; or

Other *(specify)*:

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I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: